

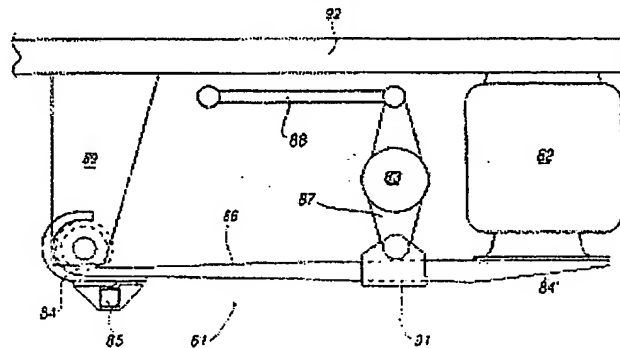
OCT 17 2006

Serial No. 10/656,925
60,130-1713
03MRA0069CVSREMARKS

Applicant wishes to thank the Examiner for the detailed remarks. Claims 1-10 and 12-33 are pending.

The Examiner objects to the specification because the Examiner suggests that there is no antecedent basis in the specification for the "first arc" of the rearward leaf spring of claim 4 in the specification. "The only arcuate segment disclosed is with respect to the forward leaf spring." Applicant respectfully disagrees. Figures 2A and 4 specifically illustrate a first arc towards the forward segment and a second arc towards the rearward segment or vice versa. Applicant respectfully requests reconsideration of this rejection.

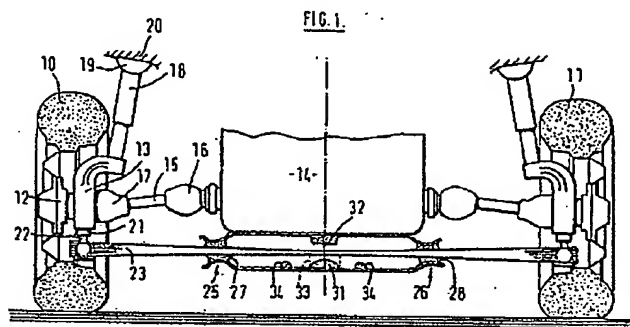
Claims 1-10, 12-23, and 26-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Reast* (6962360) in view of *Cowburn* (4779894). Applicant respectfully traverses these rejections as there is absolutely no teaching, suggestion, or motivation to modify *Reast* in view of *Cowburn* as proposed. The Examiner admits that *Reast* does not teach wherein the mounting section has a continuous variable cross-sectional shape in both width and depth.



The Examiner then argues that *Cowburn* teaches a mounting segment (30) intermediate forward and rearward leaf spring segments having a continuously variable cross-sectional shape in both width and depth. *Cowburn*, however, as previously discussed, discloses a spring 24 which extends transversely of the vehicle such that the Examiner's interpretation of *Cowburn* having a

Serial No. 10/656,925
60,130-1713
03MRA0069CVS

mounting segment (30) intermediate *forward* and *rearward* leaf spring segments simply cannot be sustained.



The Examiner's interpretation of *Cowburn* is therefore repugnant to the plain meaning thereof. The rejections are improper for this reason alone.

The Examiner's proposed combination of such inherently different longitudinal versus lateral references suggest that the only motivation to make the combination as proposed is by following the knowledge disclosed within the present invention. That is, the Examiner utilizes the longitudinal air suspension of *Reast* with a lateral spring of *Cowburn* without any motivation therefor. This is impermissible usage of hindsight in an attempt to recreate Applicant's device. The failure to provide a proper combination between the references defeats the rejection and all claims are also allowable for this reason alone.

In yet another failing of the proposed combination, *Reast* discloses a leaf spring suspension arm 86 which is supported by an air spring 82 with an axle 83 therebetween.

Conversely, *Cowburn* does not utilize an air suspension, but a lateral composite spring 23 transverse to a vehicle center line. As discussed above, but as specifically differentiated by the distinctly different suspension types, there is no motivation whatsoever to modify the air spring 82 suspension of *Reist* with a lateral composite spring 23 of *Cowburn*. Once again, these significant structural distinctions between the suspension types of *Reast* and *Cowburn* further support Applicant's argument that the Examiner is utilizing hindsight in an attempt to recreate Applicant's device.

Claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Reist* as

Serial No. 10/656,925
60,130-1713
03MRA0069CVS

modified above and further in view of *Constantinescu*. As previously discussed, *Constantinescu* describes box spring and the like for bedding and furniture. In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of Applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). Under no just interpretation would *Constantinescu* be in Applicant's field of endeavor or be reasonably pertinent to the particular problem that the applicant has solved. As just one example, the very different weights involved would never lead a suspension engineer to investigate box spring mattress designs. *Constantinescu* is not analogous art to *Reist* or Applicant's invention. The proposed combination is improper.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,

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